

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RAGHVENDRA SINGH,

Plaintiff,

v.

INTERNAL REVENUE SERVICES,

Defendant.

No. 2:23-cv-0053 KJM AC PS

ORDER

Plaintiff is proceeding in this action pro se. This matter was accordingly referred to the undersigned by E.D. Cal. 302(c)(21). Plaintiff has filed a request for leave to proceed in forma pauperis (“IFP”), and has submitted the affidavit required by that statute. See 28 U.S.C. § 1915(a)(1). The motion to proceed IFP will therefore be granted.

I. SCREENING

The federal IFP statute requires federal courts to dismiss a case if the action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Plaintiff must assist the court in determining whether or not the complaint is frivolous, by drafting the complaint so that it complies with the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”).

The Federal Rules of Civil Procedure are available online at www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure.

1 Under the Federal Rules of Civil Procedure, the complaint must contain (1) a “short and
2 plain statement” of the basis for federal jurisdiction (that is, the reason the case is filed in this
3 court, rather than in a state court), (2) a short and plain statement showing that plaintiff is entitled
4 to relief (that is, who harmed the plaintiff, and in what way), and (3) a demand for the relief
5 sought. Fed. R. Civ. P. 8(a). Plaintiff’s claims must be set forth simply, concisely and directly.
6 Fed. R. Civ. P. 8(d)(1). Forms are available to help pro se plaintiffs organize their complaint in
7 the proper way. They are available at the Clerk’s Office, 501 I Street, 4th Floor (Rm. 4-200),
8 Sacramento, CA 95814, or online at www.uscourts.gov/forms/pro-se-forms.

9 A claim is legally frivolous when it lacks an arguable basis either in law or in fact.
10 Neitzke v. Williams, 490 U.S. 319, 325 (1989). In reviewing a complaint under this standard, the
11 court will (1) accept as true all of the factual allegations contained in the complaint, unless they
12 are clearly baseless or fanciful, (2) construe those allegations in the light most favorable to the
13 plaintiff, and (3) resolve all doubts in the plaintiff’s favor. See Neitzke, 490 U.S. at 327; Von
14 Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert.
15 denied, 564 U.S. 1037 (2011).

16 The court applies the same rules of construction in determining whether the complaint
17 states a claim on which relief can be granted. Erickson v. Pardus, 551 U.S. 89, 94 (2007) (court
18 must accept the allegations as true); Scheuer v. Rhodes, 416 U.S. 232, 236 (1974) (court must
19 construe the complaint in the light most favorable to the plaintiff). Pro se pleadings are held to a
20 less stringent standard than those drafted by lawyers. Haines v. Kerner, 404 U.S. 519, 520
21 (1972). However, the court need not accept as true conclusory allegations, unreasonable
22 inferences, or unwarranted deductions of fact. Western Mining Council v. Watt, 643 F.2d 618,
23 624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of action does not suffice
24 to state a claim. Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57 (2007); Ashcroft v. Iqbal,
25 556 U.S. 662, 678 (2009).

26 To state a claim on which relief may be granted, the plaintiff must allege enough facts “to
27 state a claim to relief that is plausible on its face.” Twombly, 550 U.S. at 570. “A claim has
28 facial plausibility when the plaintiff pleads factual content that allows the court to draw the

reasonable inference that the defendant is liable for the misconduct alleged.” Iqbal, 556 U.S. at 678. A pro se litigant is entitled to notice of the deficiencies in the complaint and an opportunity to amend, unless the complaint’s deficiencies could not be cured by amendment. See Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987), superseded on other grounds by statute as stated in Lopez v. Smith, 203 F.3d 1122 (9th Cir.2000)) (en banc).

II. THE COMPLAINT

7 Plaintiff alleges that defendant “caused loss of multimillion dollars worth” of his property
8 by denying him the right to pay taxes. ECF No. 1 at 1. Plaintiff alleges that his properties were
9 protected by IRS liens, but that the IRS conspired with state officials to allow the state to take his
10 property by lowering the priority of IRS liens without informing plaintiff. Id. Plaintiff alleges all
11 of this was done during his incarceration between 2019 and 2022. Id. Plaintiff further alleges
12 that the Sacramento District Attorney is prosecuting minorities for non-criminal, fabricated
13 charges. Id. at 2. The body of plaintiff’s complaint does not name a cause of action but on the
14 civil cover sheet plaintiff marked “other civil rights” and “taxes” when asked to identify the
15 nature of the suit. ECF No. 1-1 at 1.

III. FAILURE TO STATE A CLAIM

17 The complaint does not contain a “short and plain” statement setting forth the basis for
18 federal jurisdiction, plaintiff’s entitlement to relief, or the relief that is sought, even though those
19 things are required by Fed. R. Civ. P. 8(a)(1)-(3). The exact nature of what happened to plaintiff
20 is unclear from the complaint, which contains unclear and disconnected assertions not related to
21 any alleged violation of law. The court cannot tell from examining the complaint what legal
22 wrong was done to plaintiff, by whom and when, or how any alleged harm is connected to the
23 relief plaintiff seeks.

24 Further, the complaint does not identify a claim upon which relief can be granted. It does
25 not identify a cause of action or any facts supporting an identifiable cause of action. Rather than
26 recommending dismissal of the action, the undersigned will provide plaintiff an opportunity to
27 amend his complaint to allege a cognizable cause of action.

28 ||| ////

IV. AMENDING THE COMPLAINT

If plaintiff chooses to amend the complaint, the amended complaint must allege facts establishing the existence of federal jurisdiction. In addition, it must contain a short and plain statement of plaintiff's claims. The allegations of the complaint must be set forth in sequentially numbered paragraphs, with each paragraph number being one greater than the one before, each paragraph having its own number, and no paragraph number being repeated anywhere in the complaint. Each paragraph should be limited "to a single set of circumstances" where possible. Rule 10(b). As noted above, forms are available to help plaintiffs organize their complaint in the proper way. They are available at the Clerk's Office, 501 I Street, 4th Floor (Rm. 4-200), Sacramento, CA 95814, or online at www.uscourts.gov/forms/pro-se-forms.

11 Plaintiff must avoid excessive repetition of the same allegations. Plaintiff must avoid
12 narrative and storytelling. That is, the complaint should not include every detail of what
13 happened, nor recount the details of conversations (unless necessary to establish the claim), nor
14 give a running account of plaintiff's hopes and thoughts. Rather, the amended complaint should
15 contain only those facts needed to show how the defendant legally wronged the plaintiff.

16 The amended complaint must not force the court and the defendants to guess at what is
17 being alleged against whom. See McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996)
18 (affirming dismissal of a complaint where the district court was “literally guessing as to what
19 facts support the legal claims being asserted against certain defendants”). The amended
20 complaint must not require the court to spend its time “preparing the ‘short and plain statement’
21 which Rule 8 obligated plaintiffs to submit.” Id. at 1180. The amended complaint must not
22 require the court and defendants to prepare lengthy outlines “to determine who is being sued for
23 what.” Id. at 1179.

24 Also, the amended complaint must not refer to a prior pleading in order to make plaintiff's
25 amended complaint complete. An amended complaint must be complete in itself without
26 reference to any prior pleading. Local Rule 220. This is because, as a general rule, an amended
27 complaint supersedes the original complaint. See Pacific Bell Tel. Co. v. Linkline
28 Communications, Inc.

1 supersedes the original complaint") (citing 6 C. Wright & A. Miller, Federal Practice &
2 Procedure § 1476, pp. 556-57 (2d ed. 1990)). Therefore, in an amended complaint, as in an
3 original complaint, each claim and the involvement of each defendant must be sufficiently
4 alleged.

5 **V. PRO SE PLAINTIFF'S SUMMARY**

6 It is not clear that this case can proceed in federal court. The court cannot tell from your
7 complaint what legal harm was done to you. Because the complaint as written does not identify a
8 particular cause of action with supporting facts, it will not be served on defendants. Your lawsuit
9 cannot proceed unless you fix the problems with your complaint.

10 You are being given 30 days to submit an amended complaint that identifies a legal claim
11 with plausible supporting facts. If you submit an amended complaint, it needs to explain in
12 simple terms what laws or legal rights of yours were violated, by whom and how, and how those
13 violations impacted you. Without this information, the court cannot tell what legal claims you are
14 trying to bring against the defendant. If you do not submit an amended complaint by the
15 deadline, the undersigned will recommend that the case be dismissed.

16 **VI. CONCLUSION**

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is GRANTED;
- 19 2. Plaintiff shall have 30 days from the date of this order to file an amended complaint that
20 names defendants who are amenable to suit, and which complies with the instructions
21 given above. If plaintiff fails to timely comply with this order, the undersigned may
22 recommend that this action be dismissed.

23 DATED: April 24, 2023

24 
25

ALLISON CLAIRE
26 **UNITED STATES MAGISTRATE JUDGE**
27
28